

RESOLUTION NO. 01-44-79
QUINAULT BUSINESS COMMITTEE

WHEREAS, the Quinault Business Committee is the governing body of the Quinault Indian Nation; and,

WHEREAS, under Article V, Section 3(g) of the Constitution of the Quinault Indian Nation, the Quinault Indian Nation Business Committee has the authority to undertake any economic program and regulate the Nation's enterprises and businesses; and,

WHEREAS, under Article V, Section 3(i) of the Constitution of the Quinault Indian Nation, the Quinault Indian Nation Business Committee has the authority to administer all the Nation's funds; and,

WHEREAS, under Article V, Section 3(d) of the Constitution of the Quinault Indian Nation, the Quinault Indian Nation Business Committee has the authority to waive the Nation's sovereign immunity; and,

WHEREAS, under Article V, Section 3(a) of the Constitution of the Quinault Indian Nation, the Quinault Indian Nation Business Committee has the authority to enter into agreements with the State of Washington; and,

WHEREAS, the Quinault Indian Nation Business Committee finds that it is in the interest of the minor members of the Quinault Indian Nation and the children of the people employed by the Quinault Indian Nation to have parental financial support; and,

WHEREAS, the Quinault Indian Nation Business Committee finds that under Quinault Indian Nation law, the Quinault Tribal Court has the authority to grant full faith and credit to foreign orders; and,

WHEREAS, the Quinault Indian Nation Business Committee finds the state can request the Quinault Tribal Court to grant full faith and credit to state garnishment orders and it is the policy of the Quinault Indian Nation that the Nation and its entities will only comply with the Quinault Indian Nation's Tribal Court garnishment orders for child support where the employee is a Quinault Tribal Member or a non-member Indian whose child support obligations were established by the Quinault Tribal Court; and,

WHEREAS, it is the policy of the Quinault Indian Nation to assert its sovereign immunity with respect to state garnishment orders against Quinault Indian Nation members or non-member Indians whose support obligations were established by the Quinault Tribal Court, unless those orders have been given full faith and credit by the Quinault Tribal Court; and,

WHEREAS, the Quinault Indian Nation Business Committee finds the Washington State Office of Support Enforcement recognizes the Quinault Indian Nation's sovereignty over issues of paternity and child support involving its members and enforces the Quinault Indian Nation's tribal court child support orders outside the jurisdiction of the Quinault Indian Nation; and,

WHEREAS, the Quinault Indian Nation Business Committee finds that there are some non-Indian and non-member Indian employees who have failed to comply with state court and administrative orders

regarding child support; and,

WHEREAS, the Quinault Indian Nation Business Committee finds the custodial parent and the children of these non-Indian employees or non-member Indian employees whose support obligations have not been established by the Quinault Tribal Court, have experienced difficulty enforcing their state child support orders; and,

WHEREAS, the Quinault Indian Nation Business Committee, finds that by invoking its sovereign immunity regarding state child support garnishment orders with respect to all its employees the Nation has inadvertently established an unwritten policy that encourages non-Indian and certain non-member Indian employees who fail to meet their child support obligations from meeting their obligations; and,

WHEREAS, the Quinault Indian Nation Business Committee finds there is a need to eliminate barriers to the enforcement of child support obligations; and,

NOW, THEREFORE, BE IT RESOLVED that the Quinault Indian Nation and all its entities, including its businesses and enterprises, shall voluntarily comply with state garnishment orders for child support owed by non-Indian employees and non-member Indian employees whose support obligations were established by the state, until such time as the Business Committee 1) adopts laws or regulations governing this issue, or 2) enters into a reciprocal child support enforcement agreement with the state, or 3) rescinds this resolution; and,

BE IT FURTHER RESOLVED that the Nation or any of its entities may elect not to comply with a state garnishment order for child support owed by a non-Indian or certain non-member Indian employee if that employee: 1) shows that compliance will cause an Indian child or its custodial parent to rely on public assistance administered by the Quinault Indian Nation; and 2) the employee has taken all appropriate legal and administrative action to have the child support order modified or changed by the jurisdiction that entered the order; and,

BE IT FURTHER RESOLVED that the Nation and its entities shall not voluntarily comply with state garnishment orders for child support owed by a Quinault Indian Nation member or non-member Indian whose support obligations were established by the Quinault Tribal Court. The Nation and its entities shall only comply with Quinault Tribal Court garnishment orders and garnishment orders given full, faith and credit by the Quinault Tribal Court for child support owed by a Quinault Indian Nation member or a non-member Indian whose support obligations were established by the Quinault Tribal Court.

BE IT FURTHER RESOLVED that this resolution:

1) is not intended as a waiver of the Nation's sovereign immunity nor shall it be construed as waiving the Nation's sovereign immunity; 2) shall not obligate the Nation or any of its entities to pay any moneys, except for wages otherwise owed to the non-Indian employee and actually held by the Nation; 3) shall not subject the Nation or any of its entities to liability for any child support awards, penalties, interest, costs, or attorney's fees should the Nation or any of its entities fail to act on a state garnishment order or improperly act on a state garnishment order.

Pearl Capoeman-Baller, Chairman
Quinault Indian Nation Business Committee

CERTIFICATION

I hereby certify that the above resolution was duly adopted at a regular meeting of the Business Committee at Taholah, Washington, on the 22nd day of October 2001, at which time a quorum was present by a vote of 5 FOR, 0 AGAINST and 2 ABSTAIN.

Gina James, Secretary
Quinault Indian Nation Business Committee